

REMARKS

Claims 1-8 were examined in the Final Office Action mailed December 27, 2007.

Claims 1-2 and 5-6 stand rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,553,296 to Breed *et al.* ("Breed '296"), in view of U.S. Patent No. 6,778,672 to Breed *et al.* ("Breed '672").

Claims 3-4 and 7-8 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Breed '296 and Breed '672, further in view of U.S. Patent No. 5,188,445 to Haun *et al.* ("Haun").

In order to place the claims into condition for allowance, the Applicants are requesting entry of the foregoing amendments to incorporate the limitations of dependent claims 3 and 7 into their respective independent claims 1 and 5. These amendments will render the pending rejection of claims 1-2 and 5-6 moot, and when viewed in the context of the following remarks, will permit allowance of amended claims 1-2, 4-6 and 8 without the need for further search.

1. The Amended Claims Would Be Patentable Over Haun, *et al.*

The Applicants respectfully request reconsideration of the rejection of claims 3-4 and 7-8, on the ground that the Haun reference does not teach or suggest the claimed features for which it is cited.

Claims 3 and 7 recite that "the control unit performs an active noise suppression such that an active site of the noise suppression follows an instantaneous position of the occupant's head, *and sounds from the exterior of the vehicle can be piped in from the exterior through the acoustic system of the*

vehicle.” The Haun reference is cited as teaching the highlighted portion of this limitation. December 27, 2007 Final Office Action at 5.

The Applicants agree with the first part of Examiner’s summary of Haun – that Haun teaches placing a siren outside an emergency vehicle’s passenger compartment, and the vehicle’s firewall “functions as a sound barrier” to block noise entering the passenger compartment. *Id.*; Haun Figs. 1-5. However, the Applicants respectfully disagree with the conclusion drawn from the Haun configuration.

The Final Office Action states that it would have been obvious to modify the Haun vehicle’s firewall to obtain the invention recited in claims 3 and 7. December 27, 2007 Final Office Action at 5. As noted above, claims 3 and 7 require that “sounds from the exterior of the vehicle can be piped in from the exterior *through the acoustic system* of the vehicle.” Haun does not contain a single word that provides *any* suggestion of a tie-in between any aspect of either its siren system (or any other exterior noise source) or the vehicle’s body structure (*e.g.*, the firewall between the engine and passenger compartments) and an acoustic system of the vehicle – indeed, there is not even a discussion of an acoustic system within the Haun vehicle. On this ground alone, there is no basis for the asserted combination.

Perhaps more importantly, the pending rejection has a fundamental flaw – the Final Office Action does not provide a reasoned statement as to *how* a firewall could be modified to somehow permit exterior sounds to be “piped in” to the interior “through the acoustic system of the vehicle.” *Id.* (asserting that it

would have been obvious to provide sounds from the exterior of the vehicle “piped in from the exterior through the acoustic system of the vehicle by “modif[ying] the wall that functions as a sound barrier taught by Haun”).

In the absence of any description of how a firewall could be modified to pass exterior noises through an vehicle acoustic system, and in view of the apparent impossibility of making such a modification (at least based on the information available in Haun), the Applicants respectfully submit that there is no basis for the assertion that it would be obvious to modify a firewall to “pipe in” exterior noises through an acoustic system, and that therefore the rejection of claims 3-4 and 7-8 does not satisfy the basic requirements of a *prima facie* case of obviousness under MPEP § 2143 (there being (i) no suggestion or motivation to modify a firewall where a modification would not result in piping in noise *through an acoustic system*, (ii) no reasonable expectation of success where there appears to be no viable mechanism for the firewall to input exterior noise to an acoustic system, and (iii) thus not all of the limitations of claims 3 and 7 are taught or suggested by Haun, *et al*).

In view of the foregoing, the Applicants respectfully request the rejection under § 103(a) of claims 3-4 and 7-8 be reconsidered and withdrawn.

CONCLUSION

The Applicants submit that upon entry of the requested amendments, claims 1-2, 4-6 and 8 will be in condition for allowance. The Applicants further submit that because the requested amendments merely incorporate limitations of previously examined (and separately rejected) claims into their independent

claims, the requested amendments may be entered without the need for further search (*i.e.*, there are no new limitations introduced which would support an assertion that additional searching would be required).

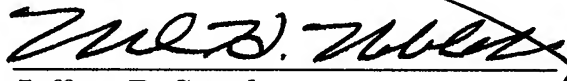
Accordingly, entry of the requested amendments and issuance of a Notice of Allowance for claims 1-2, 4-6 and 8 is respectfully requested.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket # 080437.53140US).

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Respectfully submitted,



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